

**OKLAHOMA COMMISSION ON CHILDREN AND YOUTH
OFFICE OF JUVENILE SYSTEM OVERSIGHT**

Report Release Date: April 30, 2007

**Review of the Death of William Barnard
of Oklahoma County, Oklahoma**

**Dates and Outcome of Investigations and Actions
Taken by the
Oklahoma County Department of Human Services,
District Attorney's Office, and District Court**

On March 21, 2007, the Office of Juvenile System Oversight (OJSO) received a request for a public report on the death of the child, William Barnard. The death occurred on March 21, 2007. Criminal felony child neglect charges were filed on the mother Alzaina Barnard on April 13, 2007. The following is a summary of the actions taken by the Department of Human Services (DHS); the actions taken by the district attorney; judicial proceedings; and the rulings of the court as authorized by O.S. 10, Chapter 70, Section 7005-1.4, E (below).

Authorization

Title 10, Chapter 70, Section 7005-1.4, E, states:

- E. 1. In cases involving the death or near death of a child when a person responsible for the child has been charged by information or indictment with committing a crime resulting in the child's death or near death, there shall be a presumption that the best interest of the public will be served by public disclosure of certain information concerning the circumstances of the investigation of the death or near death of the child and any other investigations concerning that child, or other children living in the same household.

2. At any time subsequent to seven (7) days of the date the person responsible for the child has been criminally charged, the Department of Human Services, the Oklahoma Commission on Children and Youth, or the district attorney may release the following information to the public:
 - a. a confirmation that a report has been made concerning the alleged victim or other children living in the same household and whether an investigation has begun,

 - b. confirmation as to whether previous reports have been made and the date thereof, a summary of those previous reports, the dates and outcome of any investigation or actions taken by the Department of Human Services in response to any report or child abuse or neglect, and any actions taken by the district attorney after submission or any investigative report, and

c. the dates of any judicial proceedings prior to the child's death or near death, a summary of each participant's recommendations made at the judicial proceedings, and the rulings of the court.

3. Any disclosure of information pursuant to this section shall not identify or provide an identifying description of any complainant or reporter of child abuse or neglect, and shall not identify the name of the child victim's siblings or other children living in the same household, the parent or other person responsible for the child or any other member of the household, other than person criminally charged.

Identifiers:

Child's name: William Barnard
DOB: November 20, 2003

Mother: Alzaina Barnard
Siblings: Sibling 1 (d.o.b. 08/09/01)
Sibling 2 (d.o.b. 11/07/06)

Dates and Outcome of Investigations and Actions Taken by the Oklahoma County Department of Human Services, District Attorney's Office, and District Court:

**November 28, 2005
First Referral to DHS**

The DHS received a referral regarding the family on November 28, 2005, alleging Sibling 1 was sent home from school with head lice and hadn't been back since November 17, 2005. Reporter alleged the child was sent to school dirty and unkempt by dad and that dad's girlfriend or wife had moved back to Texas.

Documentation in the KIDS system indicated the referral was screened out and no investigation was conducted. In an interview with a DHS supervisor, the OJSO was told the reason for screening out this referral was that DHS doesn't get involved in basic head lice, and that there were no health related problems reported. The DHS supervisor also reported that they don't get involved with families when children are not attending school unless the school notifies the District Attorney's office regarding truancy.

**March 9, 2006
Second Referral to DHS**

The DHS received a second referral regarding the family on March 9, 2006, alleging Sibling 1 came to school dirty with "I like boys" and "I'm a loser" written on her arms. The child said her mother had written it.

The referral was assigned as a Priority II on March 9, 2006. On March 14, 2006, a child welfare worker made a home visit and initiated this referral as an Assessment. DHS documentation indicated the worker checked Texas child welfare records and was advised the family had a neglect case dated August 22, 2005, which was ruled as Reason to Believe with no court

involvement.* The family currently had SoonerStart in the home. The worker recommended the family keep their children clean and bathe them at night. Since this was assigned as an Assessment, there was no report made by DHS to the District Attorney's office.

DHS Safety Assessment (DCFS-76)

On March 14, 2006, DHS completed form (DCFS-76) documenting children were conditionally safe. The child welfare worker documented: "Family agrees to bathe the children nightly and keep them clean. Sooner Start Services are in the home for William and worker referred the family to DHS Family Support to apply for medical and food assistance."

August 18, 2006 Third Referral to DHS

The DHS received a third referral regarding the family on August 18, 2006, alleging Sibling 1 had two large bruises on her right leg. Sibling 1 was reported to be filthy and smelled extremely bad. The reporter also stated William had Down Syndrome and just got his G-tube removed the previous week. He had an open wound that was red and swollen. The home was extremely filthy and smelled really bad. There was food all over the house with roaches everywhere. The front porch had boards sticking up with rusty nails. Reporter was afraid William would crawl on them and get hurt.

DHS assigned this referral as a Priority I, initiated an investigation, and made a home visit on August 18, 2006.

The DHS made a finding of Services Not Needed in regard to abuse and documented the reason as the child, mother and dad confirmed that she had fallen down. DHS made a finding of Services Recommended on allegations of Inadequate or Dangerous Shelter, Inadequate Physical Care, and Failure to Obtain Medical Care. No court action was requested by DHS of the District Attorney's office concerning this investigation.

DHS documented the family had cooperated with the request of child welfare regarding cleaning the home and obtaining medical treatment for William. Worker recommended the parents give William his medication as directed by his doctor. DHS recommended SoonerStart continue in the home to monitor William's health and development.

DHS Voluntary Family Service Agreement (DCFS-75)

On August 18, 2006, DHS completed form (DCFS-75) documenting "William needs to be seen by a medical professional to make sure scarring on abdomen is not infected. Family needs to keep a clean home and keep the children clean. Family needs to follow through on Doctor orders. Hospital's ER- Medical staff will determine if William's abdomen is healing correctly from recent surgery. Sooner Start- continues services in place. Dr. (name withheld), Follow up on appointments and give meds as directed by doctor."

*A Reason to Believe finding is based on a preponderance of evidence, staff conclude that abuse or neglect has occurred. Definition- Preponderance of evidence is a standard of proof in which the facts sought to be proved are more likely than not. Sometimes this is referred to as the 51 percent standard. Source: Texas Department of Family and Protective Services, Child Protective Services Policy 2271, May 2005.

DHS Safety Assessment (DCFS-76)

On August 18, 2006, DHS also completed form (DCFS-76) documenting the children were conditionally safe. The child welfare worker documented: "Family followed through with Child Welfare recommendations regarding medical care of William. Family signed a Voluntary Family Services Agreement stating they would continue medical care and follow directions of the doctor and keep the home and children clean. Sooner Start Services remain in the home at this time."

March 16, 2007

Summary of Law Enforcement's Report

On March 16, 2007, the Oklahoma City Police Department (OCPD) was dispatched to William's home regarding Sibling 1 being missing. Upon arrival at the home, the police found several pieces of junk furniture obscuring the walk to the front door. The inside of the home was found to be filthy and smelly. Safety hazards were found such as holes in the walls, exposed electrical wires, and face plates missing from electrical outlets. There was also rotting food in the kitchen, roach bodies and mice droppings observed everywhere in kitchen cabinets. The bathroom toilet contained feces and it appeared that the children had smeared feces over the bathroom walls. The home contained piles of dirty, wet and molded clothes located throughout. Sibling 1 was finally located underneath a pile of clothes stacked on the couch. The refrigerator did not have any edible food and it was noted that William had just been released from the hospital two days prior for pneumonia and the parents hadn't filled his prescriptions. Both William and Sibling 1 were found to be filthy and their clothes dirty. The children were transported to an area hospital by EMSA where they were diagnosed with body and head lice.

March 16, 2007

Police Protective Custody

The OCPD placed Sibling 1 (age 5), William (age 3), and Sibling 2 (age 4 months) into protective custody and they were taken to the DHS shelter.

March 16, 2007

Fourth Referral to DHS

The DHS received a fourth referral regarding the family on March 16, 2007, alleging the OCPD went out to the home in regard to a missing 5-year-old, Sibling 1. Police located the child under a pile of clothes in the house. Police indicated the house was inadequate. There were holes in the floors and windows were broken out. There were piles of clothes and trash on the floors. Bathrooms were working and had feces in toilets. There was minimal food in the home and the refrigerator was not cooling well. Sibling 1 and William have head lice. William had been hospitalized Sunday thru Wednesday with pneumonia. He was released from hospital with prescription that hadn't been filled because parents didn't have the money. Sibling 1 has ADHD and had run out of meds.

DHS assigned this referral as a Priority 1. The DHS made two unsuccessful attempts to visit the home on March 16, 2007, at 4:57 p.m. and 5:25 p.m. The DHS made a home visit on March 19, 2007, at 8:30 a.m. and documented "family making efforts to clean the home which included patching holes in walls, washing clothes and dishes and putting them in proper place, family had food, the bathroom area was clean."

Documentation in the KIDS system indicated that DHS would place Comprehensive Home-Based Services (CHBS) services in the home. According to the DHS records, the child welfare worker staffed the case with Assistant District Attorney on March 19, 2007, and released the children from police protective custody to their parents under the condition that they would follow the terms signed in DCFS-75 Safety Plan. DHS made a referral for CHBS Services on March 20, 2007.

On March 23, 2007, the DHS completed their investigation of the fourth referral and made a finding of Confirmed Services Recommended on Inadequate or Dangerous Shelter, Threat of Harm, and Inadequate Physical Care. The DHS worker made a finding of Services Recommended on Failure to Obtain Medical Care and Lack of Supervision.

DHS Voluntary Family Service Agreement (DCFS-75)

On March 19, 2007, DHS completed form (DCFS-75) documenting "parents will clean home including vacuuming, wash clothes, cleaning dishes, and freshening the home. Worker will place CHBS in home. Parents will bomb home for insects. Parent will continue medical treatment for William's pneumonia and Sibling 1 with ADHD. Parents will remove trash and items from the home. Worker will provide worksheets/pamphlets on ADHD also contact Doctor."

DHS Safety Assessment (DCFS-76)

On March 20, 2007, DHS completed form (DCFS-76) documenting children were conditionally safe. The child welfare worker documented: "Parents agree to accept services in the home including CHBS. Parents will maintain a clean and safe home."

March 21, 2007

Report to Law Enforcement

On March 21, 2007, the OCPD responded to the family's home in reference to a three-year-old child who had drowned in a bathtub. The child was pronounced dead at the hospital at 4:29 p.m. on March 21, 2007.

March 21, 2007

Protective Custody

The siblings were placed in police protective custody by OCPD following the drowning death of William Barnard on March 21, 2007.

March 21, 2007

Fifth Referral to DHS

The DHS received a fifth referral regarding the family on March 21, 2007, alleging OCPD Detectives were called to the home of the mom and dad because the three-year-old, William, was transported to the hospital and was dead on arrival. The caller stated William drowned in the bathtub. The caller also stated the child was removed from the home on March 16, 2007, and returned a few days later.

DHS assigned this referral as a Priority 1 and made a home visit on March 21, 2007.

March 27, 2007

DHS Requested a Deprived Petition According to the Oklahoma County District Attorney's Office

DHS made a finding of Confirmed-Court Intervention Requested as to the allegations of Threat of Harm, Lack of Supervision, Inadequate and Dangerous Shelter and Inadequate Physical Care in regard to (Sibling 1), William and (Sibling 2), by their biological parents. The Department finds Confirmed-Court Intervention requested as to the allegations of Neglect-Death, by mom in regard to William. . . .

March 28, 2007

District Attorney's Office Filed a Deprived Petition

March 29, 2007

Emergency Show Cause Hearing

The children remained in DHS custody. A pretrial hearing was set for May 14, 2007.